



U.S. Department of Justice

*United States Attorney
Southern District of New York*

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

May 17, 2023

By ECF

The Honorable Loretta A. Preska
United States Courthouse
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. Nikhil Wahi, 22 Cr. 392 (LAP)

Dear Judge Preska:

The Government respectfully submits this letter pursuant to the Court's order of May 3, 2023 (Dkt. No. 95) and in response to the letter filed by defendant Nikhil Wahi. (Dkt. No. 88). While the Government continues to maintain that Coinbase is entitled to restitution as a matter of law under the Mandatory Victims Restitution Act ("MVRA") of the costs Coinbase incurred in connection with the criminal investigation and prosecution, including attorney's fees, the defense is certainly correct that they are entitled to review the underlying attorney billing records in order to satisfy themselves that the fees that Coinbase is claiming directly arose from the criminal investigation and not an unrelated matter. *See United States v. Afriyie*, 27 F.4th 161, 173 (2d Cir.), cert. denied, 214 L. Ed. 2d 145, 143 S. Ct. 326 (2022) (holding that the MVRA allows for restitution of attorney's fees only for criminal investigations, and not for private or civil enforcement investigations).

Since the filing of the defense letter on April 14, 2023, the Government has facilitated providing such attorney billing records to counsel to Nikhil Wahi and counsel to Ishan Wahi. The Government, the defendants, and counsel to Coinbase are now engaged in ongoing correspondence regarding the proper restitution figure based on those billing entries. In the event the parties are unable to reach agreement as to the proper restitution figure, the Government will promptly alert the Court so that the Court can rule on any disputed issues as necessary.

Respectfully submitted,

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United States Attorney

by: /s/
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cc: All defense counsel (by ECF)